

Serial No. 09/658,084

REMARKS

Reconsideration of this application is now being requested. Claim 1-24 and 26 are now in this application. Claim 25 has been canceled. The first claim 9 and claim 24 have been amended.

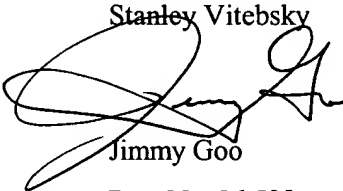
The drawings were objected to as informal. Formal drawings are being provided herein.

Claims 24-25 were rejected under 35 USC 103(a) as being obvious over Vanghi et al (USP 6,393,276 B1). In rejecting claim 25, the Examiner interprets the BSC setting the data rate of the mobile as "scheduling" a determined transmission rate per Fig. 2 of Vanghi et al. Claim 25 has been canceled and claim 24 has been re-written to include the limitations of "scheduling the plurality of receivers for time slotted data transmission based on the determined data rates." Support for this limitation can be found in original claim 25 and page 8, lines 17-20. It is now felt that claim 24 is patentable under 35 USC 103(a) over Vanghi et al.

Claims 9 and 10 were rejected under the second paragraph of 35 USC 112 because there were two claims 9 and a claim 10 which depended on claim 9. The first claim 9 has been re-numbered as claim 26.

Respectfully submitted,

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